

111TH CONGRESS
1ST SESSION

H. R. 3658

To make technical corrections to subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2009

Mr. SABLAN introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make technical corrections to subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. IMMIGRATION STATUS, EMPLOYMENT AUTHOR-**
4 **IZATION, AND REGISTRATION OF ALIENS IN**
5 **THE COMMONWEALTH OF THE NORTHERN**
6 **MARIANA ISLANDS.**

7 (a) IMMIGRATION STATUS.—

(1) SPECIAL RULE.—Paragraph (1) of section 6(e) of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes”, approved March 24, 1976 (48 U.S.C. 1806(e)), as added by section 702 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 854)), is amended—

(A) in subparagraph (A), by striking “subparagraph (B),” and adding “subparagraphs (B) and (C),”;

(B) by redesignating subparagraph (B) as subparagraph (D); and

(C) by inserting after subparagraph (A) the following:

“(B) SPECIAL RULE.—

“(i) IN GENERAL.—Except as provided in subparagraph (D), no alien who is described in clause (ii) may be removed from the United States on the grounds that such alien’s presence in the Commonwealth of the Northern Mariana Islands is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C.

1 1182(a)(6)(A)), prior to the date that is 5
2 years after the transition program effective
3 date.

4 “(ii) ALIEN DESCRIBED.—An alien
5 described in this clause is an alien who—

6 “(I) on May 8, 2008, was a resi-
7 dent of the Commonwealth of the
8 Northern Mariana Islands and was—

9 “(aa) a permanent resident
10 (as that term is defined in part
11 5–40.0–201 of the Northern
12 Mariana Islands Administrative
13 Code);

14 “(bb) an immediate relative
15 of a citizen (as those terms are
16 defined in such part 5–40.0–
17 201); or

18 “(cc) the parent of a citizen
19 (as that term is defined in such
20 part 5–40.0–201) who was under
21 21 years of age; and

22 “(II) on the transition program
23 effective date, was lawfully present in
24 the Commonwealth of the Northern
25 Mariana Islands or only temporarily

1 absent from the Commonwealth pur-
2 suant to the immigration laws of the
3 Commonwealth.

4 “(C) SPECIAL NONIMMIGRANT VISA FOR
5 PARENTS.—

6 “(i) IN GENERAL.—An alien parent
7 described in subparagraph (B)(ii)(cc) is eli-
8 gible for a special nonimmigrant visa
9 issued pursuant to this subparagraph.
10 Such visa shall—

11 “(I) grant the alien all of the
12 privileges granted to an alien lawfully
13 admitted for permanent residence, ex-
14 cept that the alien shall reside in the
15 Commonwealth of the Northern Mar-
16 iana Islands; and

17 “(II) be valid until the earlier
18 of—

19 “(aa) the date that the child
20 of the alien petitions for an ad-
21 justment of status for the alien
22 to that of an alien lawfully ad-
23 mitted for permanent residence
24 (as that term is defined in sec-
25 tion 101(a)(20) of the Immigra-

1 tion and Nationality Act (8
2 U.S.C. 1101(a)(20));

3 “(bb) the date that the alien
4 ceases to reside in the Common-
5 wealth; or

6 “(cc) November 28, 2014.

7 “(ii) PETITIONS FOR ADJUSTMENT OF
8 STATUS.—A child of an alien parent de-
9 scribed in subparagraph (B)(ii)(cc) may
10 petition for an adjustment of status for the
11 alien parent as described in clause
12 (i)(II)(aa) during the period beginning on
13 January 1, 2014, and ending on November
14 28, 2014, regardless of the age of the
15 child.”.

16 (2) CONSTRUCTION.—Such paragraph (1), as
17 amended by paragraph (1) of this subsection, is fur-
18 ther amended by adding at the end the following:

19 “(E) CONSTRUCTION.—This paragraph
20 shall be construed to permit an alien who may
21 not be removed 212(a)(6)(A) of the Immigra-
22 tion and Nationality Act (8 U.S.C.
23 1182(a)(6)(A)) under subparagraph (A) or (B)
24 of this paragraph to leave the Commonwealth of
25 the Northern Mariana Islands for a temporary

1 absence and return to the Commonwealth pur-
2 suant to the entrance permit issued to the alien
3 by the Commonwealth.”.

4 (3) EMPLOYMENT AUTHORIZATION.—Para-
5 graph (2) of such section 6(e), is amended—

6 (A) by redesignating subparagraphs (A)
7 and (B) as clauses (i) and (ii), respectively, and
8 moving such clauses two ems to the right;

9 (B) by striking “An alien” and inserting
10 the following:

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), an alien”; and

13 (C) by adding at the end the following:

14 “(B) SPECIAL RULE.—An alien who is de-
15 scribed in paragraph (1)(B)(ii) shall be consid-
16 ered authorized by the Secretary of Homeland
17 Security to be employed in the Commonwealth
18 of the Northern Mariana Islands until the date
19 that is 5 years after the transition program ef-
20 fective date.”.

21 (4) REGISTRATION.—Paragraph 3 of such sec-
22 tion 6(e) is amended to read as follows:

23 “(3) REGISTRATION.—

24 “(A) REQUIREMENT FOR REGISTRATION.—

25 Beginning not later than November 28, 2009,

1 and on an on-going basis, the Secretary of
2 Homeland Security shall require any alien
3 present in the Commonwealth of the Northern
4 Mariana Islands on or after the transition pe-
5 riod effective date to register with the Sec-
6 retary.

7 “(B) SCHEDULE FOR INITIAL REGISTRA-
8 TION.—The Secretary shall complete the initial
9 registration of all aliens required to register
10 under subparagraph (A) not later than Feb-
11 ruary 1, 2010.

12 “(C) INAPPLICABILITY OF PROHIBITION
13 ON REMOVAL AND EMPLOYMENT AUTHORIZA-
14 TION.—Paragraphs (1) and (2) shall not apply
15 to any alien who fails to register as required by
16 this paragraph.

17 “(D) COOPERATION.—Notwithstanding
18 any other provision of law, the Government of
19 the Commonwealth of the Northern Mariana Is-
20 lands shall provide to the Secretary all Com-
21 monwealth immigration records or other infor-
22 mation that the Secretary deems necessary to
23 assist in the implementation of this paragraph
24 or other provisions of the Consolidated Natural
25 Resources Act of 2008 (Public Law 110–229;

1 122 Stat. 854) or any amendment made by that
2 Act.

3 “(E) CONSTRUCTION WITH THE INA.—
4 Nothing in this paragraph may be construed to
5 modify or limit the application of section 262 of
6 the Immigration and Nationality Act (8 U.S.C.
7 1302) or any other provision of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1101 et
9 seq.) relating to the registration of aliens.”.

10 **SEC. 2. ADJUSTMENT OF STATUS FOR PERMANENT RESI-**
11 **DENTS OF THE COMMONWEALTH.**

12 Section 6 of the Joint Resolution entitled “A Joint
13 Resolution to approve the ‘Covenant To Establish a Com-
14 monwealth of the Northern Mariana Islands in Political
15 Union with the United States of America’, and for other
16 purposes”, approved March 24, 1976 (48 U.S.C. 1806(e)),
17 as added by section 702 of the Consolidated Natural Re-
18 sources Act of 2008 (Public Law 110–229; 122 Stat.
19 854)) is amended—

20 (1) by redesignating subsections (f), (g), and
21 (h), as subsections (g), (h), and (i), respectively; and

22 (2) by inserting after subsection (e) the fol-
23 lowing:

24 “(f) ADJUSTMENT OF STATUS FOR PERMANENT
25 RESIDENTS OF THE COMMONWEALTH.—

1 “(1) SPECIAL NONIMMIGRANT VISA.—An alien
2 who was, on May 8, 2008, described in part 5–40.1–
3 200 of the Administrative Code of the Northern
4 Mariana Islands (as in effect on such date) is eligi-
5 ble for a special nonimmigrant visa issued pursuant
6 to this paragraph. Such visa shall—

7 “(A) grant the alien all of the privileges
8 granted to an alien lawfully admitted for per-
9 manent residence, except that the alien shall re-
10 side in the Commonwealth of the Northern
11 Mariana Islands; and

12 “(B) be valid until the earlier of—

13 “(i) the date on which the alien ad-
14 justs status under paragraph (2); or

15 “(ii) the date on which the alien
16 ceases to reside in the Commonwealth.

17 “(2) ADJUSTMENT OF STATUS.—An alien is eli-
18 gible for an adjustment of status to that of an alien
19 lawfully admitted for permanent residence (as that
20 term is defined in section 101(a)(20) of the Immi-
21 gration and Nationality Act (8 U.S.C.
22 1101(a)(20))), pursuant to this paragraph, if the
23 alien—

24 “(A) was, on May 8, 2008, described in
25 part 5–40.1–200 of the Administrative Code of

1 the Northern Mariana Islands (as in effect on
2 such date); and

3 “(B) applies for such status during the pe-
4 riod beginning on January 1, 2014, and ending
5 on November 28, 2014.”.

6 **SEC. 3. NORTHERN MARIANA ISLANDS VISITOR ENTRY**
7 **PROGRAM TRANSITION.**

8 (a) IN GENERAL.—Notwithstanding section 705(b)
9 of the Consolidated Natural Resources Act of 2008 (48
10 U.S.C. 1806(b)), the amendments made by section 702(b)
11 of such Act shall take effect on the date that is 180 days
12 after the transition program effective date described in
13 section 6(a) of Public Law 94–241 (48 U.S.C. 1806(a))
14 (as added by section 702(a) of the Consolidated Natural
15 Resources Act of 2008). In a case in which the transition
16 program effective date has been modified under paragraph
17 (3) of such section 6(a) before the date of the enactment
18 of this Act, such amendments shall take effect on the date
19 that is 180 days after the modified date.

20 (b) TREATMENT OF CNMI VISITOR ENTRY PRO-
21 GRAM.—During the 180-day period referred to in sub-
22 section (a), the Secretary of Homeland Security shall ad-
23 minister the visitor entry program of the Commonwealth
24 of the Northern Mariana Islands consistent with the provi-
25 sions of Commonwealth law governing the program that

1 were in effect on the day before the commencement of
2 such period.

3 **SEC. 4. FAMILY-BASED IMMIGRATION FEE REDUCTION FOR**
4 **RESIDENTS OF THE COMMONWEALTH.**

5 (a) IN GENERAL.—The Consolidated Natural Re-
6 sources Act of 2008 (Public Law 110–229; 122 Stat. 754)
7 is amended by inserting after section 703 the following:

8 **“SEC. 703A. FAMILY-BASED IMMIGRATION FEE REDUCTION**
9 **FOR RESIDENTS OF THE COMMONWEALTH.**

10 “(a) FAMILY-BASED IMMIGRATION BENEFIT APPLI-
11 CATION AND PETITION FEES.—

12 “(1) IN GENERAL.—The Secretary of State, the
13 Attorney General, and the Secretary of Homeland
14 Security shall reduce the fees for family-based immi-
15 gration benefit applications and petitions (including
16 associated fees, such as fees for fingerprinting or
17 supporting documents) collected from residents of
18 the Commonwealth of the Northern Mariana Islands
19 who had immediate relative status pursuant to the
20 immigration laws of the Commonwealth of the
21 Northern Mariana Islands on May 8, 2008.

22 “(2) AMOUNT OF REDUCTION.—The amount of
23 the reduction shall be established by the Secretary of
24 Homeland Security. It shall be a percentage reduc-
25 tion that is as least as great as the difference (ex-

1 pressed as a percentage) between the average per
 2 capita income in the Commonwealth of the Northern
 3 Mariana Islands and the average national per capita
 4 income in the United States as a whole (as deter-
 5 mined according to the most recent data available
 6 from the Bureau of the Census).

7 “(b) REQUIREMENTS FOR SPONSOR’S AFFIDAVIT OF
 8 SUPPORT.—In the case of a resident of the Common-
 9 wealth of the Northern Mariana Islands who had imme-
 10 diate relative status pursuant to the immigration laws of
 11 the Commonwealth of the Northern Mariana Islands on
 12 May 8, 2008, section 213A(f)(1)(E) of the Immigration
 13 and Nationality Act (8 U.S.C. 1183a(f)(1)(E)) shall not
 14 apply.

15 “(c) EFFECTIVE DATE.—This section shall take ef-
 16 fect on the date of the enactment of this section and shall
 17 cease to be effective on December 31, 2014.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
 19 for the Consolidated Natural Resources Act of 2008 (16
 20 U.S.C. 1 note) is amended by inserting after the item re-
 21 lating to section 703 the following:

“703A. Family-based immigration fee reduction for residents of the Common-
 wealth.”.

22 **SEC. 5. EFFECTIVE DATES.**

23 (a) SECTION 3.—Section 3 shall take effect on the
 24 date of the enactment of this Act.

1 (b) SECTION 4.—Section 703A of the Consolidated
2 Natural Resources Act of 2008, as added by section 4 of
3 this Act, shall be effective in accordance with subsection
4 (c) of such section 703A.

5 (c) OTHER PROVISIONS.—Except as provided in sub-
6 section (b), the amendments made by this Act shall take
7 effect as if included in the enactment of subtitle A of title
8 VII of the Consolidated Natural Resources Act of 2008.

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